

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DALE HARMS,

Plaintiff,

v.

BAC HOME LOANS SERVICING, L.P.,
RECONSTRUCT COMPANY N.A., DOES 1-10,

Defendants.

No. 11-02757 CW

ORDER REFERRING CASE
TO ALTERNATIVE
DISPUTE RESOLUTION
FOR INITIAL
ASSESSMENT AND
VACATING SEPTEMBER
29, 2011 HEARING DATE

Pursuant to Civil L.R. 16-8 and ADR L.R. 2-3, the Court refers this foreclosure-related action to the Alternative Dispute Resolution (ADR) Unit to assess this case's suitability for mediation or a settlement conference. Plaintiff Dale Harms and Defendants' counsel shall participate in a telephone conference, to be scheduled by the ADR Unit on a date before September 21, 2011.

Plaintiff and Defendants' counsel shall be prepared to discuss the following subjects:

- (1) Identification and description of claims and alleged defects in loan documents.
- (2) Prospects for loan modification.
- (3) Prospects for settlement.

(4) Any other matters that may be conducive to the just, efficient and economical determination of the action.

The parties need not submit written materials to the ADR Unit for the telephone conference.

In preparation for the telephone conference, Plaintiff shall do the following:

(1) Review relevant loan documents and conduct a brief investigation of claims to determine whether the claims in this action have merit.

(2) If Plaintiff is seeking a loan modification to resolve all or some of his claims, he shall prepare a current, accurate financial statement and gather all of the information and documents customarily needed to support a loan modification request. Further, Plaintiff shall immediately notify Defendants' counsel of his request for a loan modification.

(3) Provide counsel for Defendants with information necessary to evaluate the prospects for loan modification. The general and financial information provided to Defendants may be in the form of a financial statement, worksheet or application customarily used by financial institutions.

In preparation for the telephone conference, counsel for Defendants shall do the following.

(1) If Defendants are unable or unwilling to do a loan modification after receiving notice of Plaintiff's request, counsel for Defendants shall promptly notify Plaintiff to that effect.

(2) Arrange for a representative of each Defendant with full settlement authority to participate in the telephone conference.

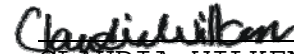
The ADR Unit will provide the parties with additional information regarding the telephone conference, including the date it will be held. After the telephone conference has been held, the ADR Unit will advise the Court of its recommendation for further

1 ADR proceedings.

2 The September 29, 2011 hearing on Defendants' motion to
3 dismiss, Plaintiff's motion to amend and the case management
4 conference is vacated. The motions are taken under submission on
5 the papers and will be decided after the Court receives notice of
6 the result of the parties' ADR conference. If necessary, the Court
7 will set another date for a case management conference.

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9 IT IS SO ORDERED.

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11 Dated: 9/13/2011


12 CLAUDIA WILKEN
13 United States District Judge
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22 cc: ADR
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

HARMS et al,

Plaintiff,

v.

BAC HOME LOANS SERVICING, L.P. et al,

Defendant.

Case Number: CV11-02757 CW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 13, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Dale Norman Harms
2063 Main Street, Suite 282
Oakley, CA 94561

Dated: September 13, 2011

Richard W. Wieking, Clerk
By: Nikki Riley, Deputy Clerk

United States District Court
For the Northern District of California